ORDINANCE 07-17
BOROUGH OF DUNELLEN

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 96 is amended in part with the addition of Section 96-25. PROHIBITION AGAINST UNDER LEGAL AGE DRINKING.

POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER LEGAL AGE PROHIBITED ON PRIVATE PROPERTY.

Section 96-25 (A). Definitions. The following definitions shall apply:

Guardian means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

Relative means an underaged person’s grandparent, aunt or uncle, sibling or any other person related by blood by affinity.

Section 96-25 (B). Prohibition.

It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property within the Borough.

Section 96-25 (C). Violations and Penalties.

Any person found guilty of violating the terms of this section may be subject to the following penalties:

First Offense – twenty-four (24) hours of community service;

Second Offense – forty (40) hours of community service and a $100 dollar fine;

Third Offense and subsequent offenses – eighty (80) hours of community service, a $500 fine, and suspension or postponement for three (3) months of the driving privileges of the violator, in accordance with and in the manner provided in P.L. 2000, Chapter 33.

If a person at the time of the imposition of such sentence for a third or subsequent offense is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If a person at the time of the imposition of such sentence under this section has a valid driver's license issued by this state, the court shall immediately collect the license and forward same to the State Motor Vehicle Commission along with the Certified Disposition Sheet.
Section 96-25 (D). Exceptions.

1. This section shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

2. This section shall not prohibit the possession of alcoholic beverages by any person under the legal age while such person is lawfully engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however this section shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, or under any other section of existing ordinance or law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.